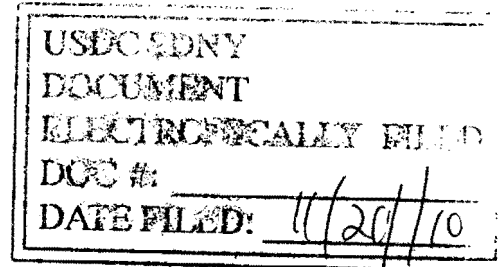


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
JAMES ANDERSON,	:	
	:	
Plaintiff,	:	08 Civ. 00559 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
DOCTOR ROMANO, DOCTOR KOEHOOGSMAN,	:	
DOCTOR BERNSTEIN,	:	
	:	
Defendants.	:	
-----	X	

JED S. RAKOFF, U.S.D.J.



On October 22, 2010, the Honorable Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that the summary judgment motion filed by Dr. Koenigsmann<sup>1</sup> and Dr. Bernstein be granted.

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, grants Dr. Bernstein and Dr. Koenigsmann's summary judgment motion. In addition, since the plaintiff in this case failed to serve defendant Dr. Romano within 120 days of filing the complaint, the claims against Dr. Romano are hereby dismissed without prejudice. See Fed. R. Civ. P. 4(m).

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<sup>1</sup> The caption bears an incorrect spelling of Koenigsmann's name.

Accordingly, the Clerk of the Court is directed to enter judgment denying all claims against Dr. Bernstein and Dr. Koenigsmann with prejudice and against Dr. Romano without prejudice, and to close the case.

SO ORDERED.

  
\_\_\_\_\_  
JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
November 23, 2010